Numb. 143.

THE South-Carolina Gazette.

Containing the freſheſt Advices Foreign and Domeſtick.

THURSDAY SEPTEMBER 21, 1738.

LONDON, *June* 13.

Letters from Madrid, give us the following Anſwer of the Marquis de la Quadra, to the Memorials preſented to the Spaniſh Court, by Mr. Keene the Britiſh Miniſter, the 10th of December laſt, which will form a juſt Idea of the Difference between the two Crowns.

SIR,

THE King having cauſed the Repreſentations you have made to be ſeriouſly examined in his Council of the Indies, as alſo the Memorials of the Engliſh Ships ſuppoſed to be taken in divers Ports of America, by Ships carrying Spaniſh Colours, and the Proofs of the Facts annexed to them; his Majeſty after mature Conſideration has commanded me to tell you,

That concerning the Ship Prince William, taken the 24th of March 1737, by two Spaniſh Ships, and carried into the Havanna, as the Governor and Royal Officers have written, that they are buſy in drawing up the Acts upon the Declaration of that Capture, they ſhall be enjoyned to ſend them without Delay, and as ſoon as they ſhall have been examin'd, according to Juſtice, his Majeſty will order Satisfaction to be made to the Parties concerned for their Loſſes, if it appears they have really been Loſers, and in that Caſe he will order alſo the Guilty to be puniſhed.

As to the Ship St. James, which is alſo claimed, the King has already ordered her to be reſtored.

As to the Brigantine, the George, taken the 2d of May, 1737, by four Spaniſh Ships, for having Gold in Bars among her Cargo, as the Governor and Royal Officers of the Havannah have written, that they were drawing up the Acts, &c. as ſoon as they are received, his Majeſty will order as before mentioned in the Affair of the Prince William.

I am to aſſure you, that the ſame ſhall be done with reſpect to the Loyal Charles, and the Diſpatch of London, taken in the Month of July, 1737, and carried into the Havannah by a Guarda Coſta; the Governor and Royal Officers are drawing up Acts to determine whether thoſe Veſſels are lawful Prizes or not.

We have received no Account of the Inſult ſaid in the Memorial to be committed upon the Sea-horſe of Briſtol, reported to be pillaged the 18th of Auguſt 1737, by a Spaniſh Man of War, in her Paſſage from Jamaica to Briſtol.

Nor have we any Account of the Detention, Plundering, Rumaging, or Outrages ſuppoſed to be done to the Neptune Brigantine, going from Jamaica to London, ſaid to be pillaged the 7th of May 1737, and three Days after by four Spaniſh Ships; nor of the like Inſults pretended to be committed much about the ſame time upon the Prince William, and a Brigantine from New-England.

In like manner we have no Advice of what is ſaid to have happened to the Cæſar Brigantine, going from Barbados to Curacoa, who was attacked the 1ſt of July, 1737, by a Spaniſh Guarda Coſta, and after being ſeveral Times boarded, by a brave Defence got into a Place of Safety: His Majeſty has given Orders for the moſt poſitive Accounts of theſe Facts to be forwarded to him, and his Intention is, that the Governors and Royal Officers of the Havannah and Porto Rico, ſhall each in his Juriſdiction cauſe an exact Search and Verification to be made of theſe Facts, any of his Subjects that ſhall be found Guilty to be ſeized, and the Acts to be ſent over to him, that Prevaricators may be puniſhed according to their Deſert; and that they may be able to give him the moſt exact Informations, the King has enjoined to be communicated to them a Liſt of the Names of the Ships and Captains and alſo the Times and Places, where the Inſults complained of are committed. At the ſame Time his Majeſty will order the

Guards

Guarda Costa's and Ships that go a cruizing to conform themselves exactly to what is regulated by Treaties in such a manner, that the ill Conduct of their Crew may give no Occasions for such Complaints.

As to the King's Orders being disobey'd, which you suppose eluded by his Majesty's Officers in America, it may have proceeded from the Reports made to obtain those Orders not being found so sincere as is supposed here, or from the Facts not having been sufficiently verified, which ought to be done before the Royal Orders are put in Execution; wherefore his Majesty desires you to specify, which are the Orders that continue without Effect, upon whose Solicitation, and upon what Facts they were dispatched, and who were the Ministers applied to upon these Occasions, that upon those Informations the King may repeat his Orders, cause them to be punctually observed, and punish, according to Justice, those Ministers who have dared to delay or hinder the Execution of them.

You alledge that the British Ships have an Incontestable Right to a free Navigation in the West-India Seas, and to the lawful Commerce that is carried on there; that the registring and visiting of English Ships by the Spaniards, under Pretence of seeing whether they have not contraband Goods on board, is directly contrary to what is stipulated in the 14th Article of the Treaty of 1667, and that the manner in which those Visits are made, in sometimes seizing the Vessel and confiscating the whole Cargo, for having found, though in a small Quantity, some Goods which are thought to be of the Growth of the Spanish Colonies, is expressly forbid by the 15th and 23d Articles of the same Treaty of 1667, which you relate *verbatim* His Majesty commands me to tell you, Sir, that the Treaty of 1667, does not contain in any of its Articles, unless it be the 8th, any Clause applicable to the Navigation and Commerce of the Indies, and that each Article discovers a Design directly contrary to what you pretend to find in it.

The second Article imports, *That the Subjects of the Two Crowns shall reciprocally pass free and securely by Sea, by Land, and by Rivers, into the Countries, Confines, Territories, &c. where Trading and Commerce have hitherto used to be; and that they shall buy and sell as freely and securely as the Inhabitants of the respective Places, whether of their own Nation or any other, who are there, or who came there, or who have Liberty to trade there.* Those Terms *where Trading and Commerce*, &c. are also found in the 4th Article. They are repeated in the 7th, and as it is out of all Doubt that those Things were never permitted in the Seas, nor upon the Terra Firma of the Indies, but only on the Ports of the Continent of Europe, it is no less certain, that neither those Articles, nor any other in the alledged Treaty can extend to the Navigation and Trade to the Indies, and that they can take place no where but in Europe.

The same Reflection results from reading the 5th Article of the Treaty, which says, *That the English may load the Merchandizes of these Kingdoms upon paying the Duties.* This Idea also occurs from the 6th Article, where it is said, *That no greater Duties shall be exacted than were wont to be paid, and which are regulated by the Tariff in each Custom-House* This cannot be understood of the Navigation and Trafick of the Indies.

There is no mention made of the Trade of that Country but in the 8th Article, where, as well with Regard to the Indies, as to other Countries, all that is granted to the United Provinces by the Treaty of Munster in 1648, is granted to Great-Britain and her Ships without any Distinction, upon their observing the Laws and Conditions to which the Subjects of the United Provinces are limited and confined. This last Condition proves, that whatever is stipulated and granted to the States General cannot be refused to the English; but it proves at the same time, that they on their part are tied down to the Observance of those Laws to which the States-General are obliged by the Treaty of Munster; the 5th Article of which relates to the Trade of the East-Indies, and the 6th to that of the West-Indies.

This Article also proves, That in the Treaty of 1667, they had no regard in any manner to the Trade of the Indies, since the Two Nations are excluded from trading and sailing to the Ports of the King's Dominions in America.

The Treaty concluded between the Two Crowns at Madrid the 8th of October 1670, is very distinct upon this Restriction in the 8th Article, where it is said, that *the respective Subjects of each of the Contracting Powers shall forbear going to Trade or sail to the Ports and Places that one or other of the two Nations possesses in the West Indies.* In this Article it is expressly declared, *That the Subjects of Great Britain shall not go to trade, nor sail to, nor carry on Traffick in the Ports or Places which the King possesses in the West-Indies:*

These Expressions destroy the Proposition you have advanced in supposing that the Subjects of his Britannick Majesty have a Right to sail to and trade in the West-Indies; from whence can only be inferred a Permission to sail to their own Islands and Plantations, and from thence it follows that they are subject to Confiscations if it appears that they have changed their Course without Necessity to make the Spanish Coasts. If after having seen the Acts which are expected upon the Facts you mention, it is found that any Thing has been done contrary to the above-mentioned 8th Article, his Majesty will order a convenient Satisfaction to be given, sufficient to secure for the future the full and exact Accomplishment of whatever is stipulated between the two Powers.

With respect to the Expressions in which you conclude your Memorial, viz. *That if contrary to all Expectation, your Instances founded upon Justice and Treaties, had not the desired Effect, his Britannick Majesty should think himself oblig'd to procure to his Subjects the Satisfaction they have a Right to demand, by virtue of the said Treaty and the Laws of Nation*, the King orders me to declare,

That as his Majesty's great Equity, as well as his sincere Desire of maintaining a perfect good Understanding with his Britannick Majesty, and of preserving to his Subjects the Exemptions and Privileges they ought to enjoy in Trade, have determined him to dispatch the Orders abovemention'd, to repair the Damages they may have received, as soon as the Acts which are expected upon the Facts set forth in the Memorial shall be seen, so his Majesty cannot but procure to his own Subjects the Security they ought to have, according to the same Treaties and the Rights of Nations, in case that on the Part of Great-Britain, by any sinister Persuasion, or for want of understanding the true Meaning of the Treaties, any thing contrary to them has been committed or attempted to be committed.

Signed

DON SEBASTIAN DE LA QUADRA.

LONDON, *June 24.*

The King having left the Christening of the new-born Prince, entirely to the Discretion of his Royal Highness the Prince of Wales, his Royal Highness chose His most Sacred Majesty his Royal Father, together with the King of Sweden, and the Queen of Prussia, to be Sponsors: The Duke of Queensberry and Dover represented the King; the Lord Baltimore the King of Sweden; and the Lady Irwin the Queen of Prussia; the Prince was baptiz'd by the Name of GEORGE WILLIAM FREDERICK.

We hear by Letters from Cales, that the Governor of that Port refus'd Admiral Haddock Admittance into that Harbour with his Fleet, and threaten'd, that in case he enter'd, he would fire at him.

Portsmouth, June 26. His Majesty's Ships the Chatham and Romney are now under Sail for Newfoundland; as are his Majesty's Ships the Garland Capt. Watson, for Canso; the Hector, Sir Yelverton Payten, for Virginia; and the Blanford, Capt. Burrish, with General Oglethorp, in Company with the 5 Transports for Georgia.

Newport, August 18. We are inform'd by Capt. *Jonathan Thurston*, who arrived here last Wednesday from the West Indies, that he met with a Vessel at Sea in his Passage, that inform'd him that a French Guarda-Costa had taken twenty Sail of English Vessels off of High-Spaniola, two whereof belonged to this Port.

BOSTON, *July 31.*

By a Vessel that left Cork the latter End of May that arriv'd at Cape Ann last Saturday, via Madeira, we hear that Admiral Haddock with his Squadron was at Madeira

August 7. We hear by the way of Barbados, that a French Vessel returning from the Coast of Guinea, with a Cargoe of Negroes, the Crew murder'd the Captain and seiz'd the Vessel and Cargo; came to Cyan, where they offer'd the Negroes to sale, but finding they were suspected of some Male Practice, they immediately put off: Where-

Whereupon the Governor fitted out a Sloop with a Company of Soldiers to go after them; but by reason of the Strength of the Current they could not come up with them.

New York, Aug. 28. Last Friday his Majesty's Ship the Flamborough, Capt. *Pearce* Commander, arrived here, and has brought Coll *Morris*'s Commission for the Government of the Province of New-Jersey. To-morrow is the Day appointed for the General Assembly of this Province to meet and go upon Business.

PHILADELPHIA, July 27.

We have the Pleasure of acquainting the World, that the famous *Chinese* or *Tartarian* Plant, called *Gin seng*, is now discovered in this Province, near *Susquehannah*: From whence several whole Plants with a Quantity of the Root, have been lately sent to Town, and it appears to agree most exactly with the Description given of it in *Chamber*'s Dictionary, and *Pere du Halde*'s Account of *China*, The Virtues ascrib'd to this Plant are wonderful.

Williamsburg, July 21.

We hear from the Frontier Counties of Prince William and Orange, of the Destruction of 3 Families of white People by the Indians, 4 more Families have not long since been destroy'd by them; and that the whole Neighbourhood are under Apprehension of greater Danger from the Indians, a great Number of them being got together, but of what Nation I am not yet certainly informed.

CHARLES-TOWN, *Sept.* 21.

The two following Acts were ratified at *Ashley-Ferry* on Monday last,

An ACT *for the better preventing the Spreading of the Infection of the Small-Pox* in Charles-Town.

An ACT *for the further Security and better Defence of this Province.*

And the House adjourned to the Third Tuesday in *January* next.

The following Abstract was ordered to be published in the Gazette.

Two Paragraphs of an ACT, entituled, an ACT for the further Security and Defence of this Province, *passed the 18th of* September 1738.

AND BE IT ENACTED, that every Master, Mistress, Owner, Manager, Attorney or Trustee, of or for any Slaves in this Province, shall on or before the 17th Day of *October* next ensuing, return to the Captain or commanding Officer of the respective Company of the Militia, in whose Beat or Precinct such Slaves do live or reside, or are commonly used or employed, a true and faithful List, in Writing, of all the Slaves of such Persons, or which are under their Care or Management, from the Age of 16 Years to the Age of *Sixty* Years: And shall therein specify, the Names, Ages and Country of all such Slaves respectively, according to the best of the Knowledge and Belief of the Persons returning the same as aforesaid. And to the End that the Number of able Slaves may be constantly known, the said Lists shall be renewed as aforesaid, by the respective Persons as aforesaid, once in every Year, on the first Muster Day after the 25th of *March*: And such Lists shall be return'd by the respective Captains to the Governor, Lieutenant Governor or President, within one Month after the same shall be given to the said Captains respectively.

AND BE IT FURTHER ENACTED, that every Master, Mistress, Owner, Manager or Trustee, of or for any Slave or Slaves as aforesaid, who shall refuse or neglect to make out and give in, and from time to time to renew a List of their several male Slaves as afore is directed; every such Owner or Manager shall for every such Refusal or Neglect forfeit and pay the Sum of 100 l. Current Money.

*** In the Supplement of last Week, the Reader is desired to correct the following Errratum *In the 4th Page, Column* 1. *Line* 5. *instead of*, to prove the Immorality, *read*, to prove the *Morality*, &c.

Custom-House, Charlestown,

Entred inwards,

Brigt. Anna, Henry Tisdale from Philadelphia.

Sloop Olive, Sam. Tynes from N-York.

Entred out,

None.

Clear'd for Departure,

Brigt. Carolina, Jas Metland to Barbados.

EXPORTED from this PLACE since Nov. 1, 1737.

Rice 34073 Barrels. Pitch 16588. Tarr 5393. Turpentine 841. Whereof 3982 Barrels of Rice to the Southward of *Cape Finisterre*.

Imported in the Brigt. *Anna*, and to be sold very cheap by *Fr. Richardson* at *Jost Shutz*'s in *Elliot's-street*, choice new Flour, Middling, Ship, Brown, Milk and White Bread, Butter, Soap, Candles, Oats, Buckwheat and Beer.

Taken up a Milk white stray'd Horse, branded on the near Buttock. Any Person owning the said Horse, may come to Mr. *Burnham*'s, describing the Brand, and paying the Charges, may have him again.

Run away from my Plantation at *Goose-Creek*, the 10th of *Sept.* a Negro Boy, named *Hector*, about 14 Years old, he had on when he went away, a Negro Cloth Jacket dyed yellow, branded with a Blotch on each Breast, and upon his left Buttock IR. Whosoever brings the said Boy to me at my Plantation, or to Goal in *Charles-Town*, shall be paid by me the Sum of 40 s. as Witness my Hand, *Jos. Radford.*

Just imported in the *Samuel*, Capt. *Piercy* and to be sold by *Wm. Shute* at Coll *Hext*'s in Tradd street, Variety of European & India Goods, viz. 3 fourth, 7 eighth and yard wide garlix, a very good assortment of hollands and cambricks, divers sorts of callicoes, particularly some curious Patterns for beds, fine damask tabling & napkining clouting and tabling diaper, corded dimmetys, fine chints, china taffeties, black grograms and paduoys, silk handkerchiefs, dowlas, broad linens, cotton counterpains, mens and womens gloves and mitts, scarlet cloaks & mantellets trimm'd, velvet, all sorts of worsted stockings, cane and bone hoops, ginghams, velvet hoods and caps, super fine bohea tea, china ware, stays, silk and callimanco shoes, spices, haberdashery, gauze for pavillions, scotch plads, with sundry other goods.

And as I design to depart for *England* in a short Time, I am determin'd to sell the present Cargoe at exceeding low Prices, especially for ready money. *Wm Shute.*

For PHILADELPHIA directly,

THE Brigt *Anna*, *Henry Tisdale* Master, will sail by the 6th *October* next at furthest. For Freight or Passage agree with the said Master on board the Brigt. lying at *Wm. Ellis*'s Bridge, or with *Jos. Shutz*

TO BE RAFFLED FOR,

ON Wednesday next the 27th Inst. at the House of Mr. *Ch. Shepheard* Two Saddles, one Man's Saddle Demipique, value 110 l. quilted back Leather Seat, Russia Leather Skirts, Housing & Bags Leopard Skin lac'd & frang'd. The Side Saddle value 80 l. quilted Doe-skin Seat, red Leather Skirts cover'd with blue Cloth, with Silver Flowers lac'd and frang'd, and double Furniture to both

All Persons that have any Demands on the Estate of Mrs. *Mary Harris* late of *Charlestown* Midwife deceased, are desired to bring in their Accounts to *Moses Mitchell* of said Town Cordwainer in order to have them discharged, and all those who are any ways indebted, are likewise desired to pay the same to the aforesaid *Moses Mitchell*

Brought to Goal in Charlestown,

Sept. 14. *Dido* & *Bella*, two Negro Women, having red blankets, taken up at Mr. *Th Butler*'s Plantation

15. *Dick*, a run away Negro Fellow, taken up at Mr. *Thy Elliot*'s Plantation.